

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

| | | |
|-------------------|---|---------------------------|
| JOSIE McCORMICK, | : | CIVIL NO. 4:17-CV-1688 |
| | : | |
| Plaintiff | : | |
| | : | |
| v. | : | Magistrate Judge Saporito |
| | : | |
| MATTHEW ALLABACH, | : | |
| | : | |
| Defendant. | : | |

PLAINTIFFS' MOTION FOR ATTORNEY FEES AND EXPENSES

1. This action was brought by Plaintiff Josie McCormick alleging a violation of 42 U.S.C. §1983.

2. On Thursday, September 24, 2020, a jury ruled in favor of Plaintiff on her §1983 claim awarding her compensatory damages of \$500,000.00 and punitive damages in the amount of \$500,000.00.

3. As the prevailing party, Plaintiff is entitled to recover attorney fees pursuant to 42 U.S.C. §1988 and costs pursuant to Federal Rules of Civil Procedure 54.

4. A “prevailing party” is one that “succeed[s] on any significant issue in litigation which achieves some of the benefit the parties sought in bringing suit”. Hensley v. Eckerhart, 461 U.S. 424, 433 (1983)(citations omitted). As a prevailing party, Plaintiff Josie McCormick is entitled to an award of reasonable attorney fees and costs.

5. Plaintiff requests an award of reasonable attorney fees in the amount of approximately \$60,000.00 and reimbursement costs in the amount of \$1,456.59.

6. Plaintiff was at all times represented by the Law Firm of Schemery Zicoello, P.C. A copy of the hourly time records of Schemery Zicoello and documentation of litigation costs will be attached to the Brief in Support.

7. Affidavits of Plaintiff's Counsel and other Attorneys establishing the reasonableness of the attorney fees will be attached to the Brief in Support.

WHEREFORE, Plaintiff Josie McCormick respectfully requests this Honorable Court to enter and Order granting her requests for reasonable attorney fees and reimbursement costs.

Respectfully Submitted,

SCHEMERY ZICOLELLO, P.C.

By: s/Amy R. Boring
Amy R. Boring
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CERTIFICATE OF SERVICE

Amy R. Boring hereby certifies that Plaintiffs' Motion for Attorney Fees and Costs was served upon the following individual and in the manner indicated below on this 8th day of October, 2020:

VIA U.S. MAIL

Matthew Allabach, Defendant
217 Buck Street
Muncy, PA 17756

SCHEMERY ZICOLELLO

By: s/Amy R. Boring
Amy R. Boring
I.D. #208461
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